S.B.CIVIL TRANSFER PETITION NO.14/2005

Smt. Rekha
vs.
Bhanu Pratap Singh

DATE OF ORDER ::: 20.3.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. SP Bhati, for the petitioner.

None present for the respondent.

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Notice of the respondent was sent by registered post as well as by ordinary post. The notice sent by ordinary post received back unserved whereas neither the registered notice nor acknowledgment has been received back and more than 30 days have already passed.

According to learned counsel for the petitioner, the respondent is residing at the address given and deliberately avoiding the service. It is also submitted that the further proceedings in the petition filed by the respondent are stayed by this Court on 20.1.2006, therefore, also, the respondent has knowledge of the present transfer petition.

In view of the fact that the notice sent by registered post has not been received back and 30 days have already

passed, therefore, the service is complete.

Heard learned counsel for the petitioner.

The petitioner's case is that the respondent filed the divorce petition in Family court, Ajmer seeking divorce whereas the marriage took place at Bhilwara and the petitioner is residing at Bhilwara.

According to the petitioner, just after two months, the petitioner was misbehaved and she is residing at Bhilwara. She says that she cannot attend the Court at Ajmer and she is not having any source of income.

In view of the facts stated above and not opposed by the respondent, this transfer petition is allowed, the Divorce Petition no.43/2005 (Bhanu Pratap Singh vs. Smt. Rekha) filed by the respondent pending in the Family Court, Ajmer is hereby withdrawn and is transferred to the District Court, Bhilwara for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya